

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EVGENY OKMYANSKY,

Plaintiff,

v.

HERBALIFE INTERNATIONAL OF  
AMERICA, INC.,

Defendant.

CIVIL ACTION NO: 03-10574-JLT

**DECLARATION OF ANNAPOORNI R. SANKARAN**

I, Annapoorni R. Sankaran declare and say:

1. I am an associate at Greenberg Traurig, LLP, and, along with Gary Greenberg, Esq., am counsel of record for defendant Herbalife International of America, Inc. ("**Herbalife**"). I submit this Declaration in support of the Motion for Summary Judgment of Defendant Herbalife International of America, Inc., On Issues Set Forth In The June 21, 2004 Order.

2. A true and accurate copy of this Court's January 7, 2004 Order is attached hereto as Exhibit 1.

3. A true and accurate copy of this Court's June 21, 2004 Order is attached hereto as Exhibit 2.

4. A true and accurate copy of Articles of Incorporation filed by Herbalife are attached attached hereto as Exhibit 3.

5. A true and accurate copy of a the Distributor Agreement signed by Okmyansky, a blank version and a certified translation thereof are attached hereto as Exhibit 4.

6. True and accurate copies of transcript excerpts and exhibits of the deposition of

Evgeny Okmyansky are attached hereto as Exhibit 5.

7. True and accurate copies of transcript excerpts of the deposition of Jackie Fisher are attached hereto as Exhibit 6.

8. A true and accurate copy of the Career Book with bates stamped pages HERBALIFE 6152-6211 is attached hereto as Exhibit 7.

9. A true and accurate copy of the Amended Complaint and Jury Demand filed by the plaintiff is attached hereto as Exhibit 8.

10. A true and accurate copy of the Rules Of Conduct effective January 1994 is attached hereto as Exhibit 9.

11. A true and accurate copy of the Rules of Conduct effective May 1994 is attached hereto as Exhibit 10.

12. A true and accurate copy of the Rules of Conduct effective June 1994 is attached hereto as Exhibit 11.

13. A true and accurate copy of the Rules of Conduct effective April 1995 is attached hereto as Exhibit 12.

14. A true and accurate copy of the Rules of Conduct effective June 1996 is attached hereto as Exhibit 13.

15. True and accurate copies of the Rules of Conduct effective January 1997 are attached hereto as Exhibit 14.

16. True and accurate copies of the Rules of Conduct effective January 1998 are attached hereto as Exhibit 15.

17. True and accurate copies of the Rules of Conduct effective March 1998 are attached hereto as Exhibit 16.

18. True and accurate copies of the Rules of Conduct effective June 1998 are attached hereto as Exhibit 17.

19. True and accurate copies of the Rules of Conduct effective November 1998 are attached hereto as Exhibit 18.

20. True and accurate copies of the Rules of Conduct effective March 1999 are attached hereto as Exhibit 19.

21. True and accurate copies of the Rules of Conduct effective July 1999 are attached hereto as Exhibit 20.

22. True and accurate copies of the Rules of Conduct effective October 1999 are attached hereto as Exhibit 21.

23. A true and accurate copy of plaintiff's Complaint and Jury Demand is attached hereto as Exhibit 22.

24. A true and accurate copy of the docket in this case is attached hereto as Exhibit 23.

25. A true and accurate copy of the Memorandum of Law in Support of Motion for Summary Judgment of Defendant Herbalife International of America, Inc. filed May 14, 2004 is attached hereto as Exhibit 24.

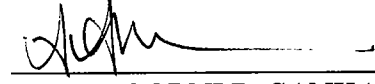
26. A true and accurate copy of the Plaintiff's Memorandum in Opposition to Defendant's Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) is attached hereto as Exhibit 25.

27. A true and accurate copy of the Plaintiff's Memorandum In Opposition to Motion for Summary Judgment is attached hereto as Exhibit 26.

28. A true and accurate copy of Commercial Union Ins. Co. v. Swiss Reinsurance Am. Corp., 2003 WL 1786863 (D. Mass 2003) is attached hereto as Exhibit 27.

29. A true and accurate copy of Miron v. Herbalife International of America, Inc., 11 Fed.Appx. 927, 2001 WL 564338 (9th Cir. 2001) is attached hereto as Exhibit 28.

**SIGNED UNDER THE PENALTIES OF PERJURY THIS 9 DAY OF JULY 2004.**

  
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ANNAPOORNI R. SANKARAN

CERTIFICATE OF SERVICE

I Annapoorni R. Sankaran, hereby certify that on July 12, 2004, I served a copy of the foregoing by hand upon: Joel Z. Eigerman, Esq., Pavel Bespalko, Esq., Law Officers of Joel Z. Eigerman, Esq., 50 Congress Street, Boston, MA 02109.

/s/ Annapoorni R. Sankaran  
Annapoorni R. Sankaran